

RESOLUTION NO. 2007-233

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT
CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEE

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WHEREAS, the City Council of the City of Lodi adopted an Ordinance establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Lodi; and

WHEREAS, a "Fee Study" dated July 16, 2001, was prepared, which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, the purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to, preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Lodi and in San Joaquin County; and

WHEREAS, after considering the Fee Study and the testimony received at the public hearing, the Lodi City Council approved said report and further found that the future development in the City of Lodi will need to compensate cumulative impacts to threatened, endangered, rare, and unlisted SJMSCP covered species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values, and other beneficial open space uses; and

WHEREAS, an "Updated Fee Study" dated November 2, 2006, was prepared, which analyzed and identified the costs and funding of the SJMSCP; and

WHEREAS, the current SJMSCP Development Fee for natural lands and agricultural lands is \$3,463 an acre for the year 2007 due to annual adjustments consistent with the California Construction Cost Index (CCCI); and

WHEREAS, the Updated Fee Study identified the fee an acre for natural lands and agricultural lands for the year 2007 as \$13,022; and

WHEREAS, the current fee of \$3,463 an acre is inadequate to finance the goals and objectives of the SJMSCP due to the increasing cost of land in San Joaquin County; and

WHEREAS, the SJMSCP Development Fees are divided into three categories: vernal pool habitat, natural land and agricultural habitat land, and multi-purpose open space conversion; and

WHEREAS, the SJMSCP Development Fees for vernal pool habitat and multi-purpose open space conversion will likewise be increased consistent with the Updated Fee Study findings for the year 2007. A table illustrating the Development Fee increases for the three categories of land is attached hereto as Exhibit "A"; and

WHEREAS, to ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, based on the method set forth in this resolution, shall be made to the fees annually; and

WHEREAS, the fee shall now be comprised of three components: Acquisition Costs, Assessment and Enhancements, and Management and Administration. The Assessment and Enhancements and Management and Administration components shall be adjusted annually based on the Consumer Price Index (CPI). The Acquisition Cost component shall be adjusted annually based on a minimum of ten comparable agricultural sales within the previous two years. If ten acceptable comparables are not found, then the two-year window will increase in three-month intervals until ten acceptable comparable agricultural sales are found. The comparable agricultural sales shall meet the following criteria: over 40 acres in size, but under 500 acres in size, no orchard or vineyard properties shall be included, and all comparable sales must be on land that is consistent as mitigation land under the SJMSCP. In addition, all SJCOG, Inc. transactions regardless of size or sale type will be included in the comparables; and

WHEREAS, the Updated Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than ten days prior to the date of this Public Hearing.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LODI, AS **FOLLOWS :**

1. The City Council finds and declares that the purposes and uses of the Development Fee and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed are all established in Ordinance 1707 and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that, since adoption of Ordinance 1707, the cost of land has increased in San Joaquin County and that, in order to maintain the reasonable relationship established by Ordinance 1707, it is necessary to increase the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
3. The Development Fee for natural lands and agricultural land shall be \$12,392 an acre based on Table 1 in the Updated Fee Study and is consistent with the Updated Fee Study dated November 2,2006.
4. The Development Fee for vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit "A" and attached hereto.
5. The Fee provided in this resolution shall be effective on January 20, 2008, which is at least sixty (60) days after the adoption of this resolution.

Dated: November 21,2007

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I hereby certify that Resolution 2007-233 was passed and adopted by the Lodi City Council in a regular meeting held on November 21, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, and
Mayor Johnson

NOES: COUNCIL MEMBERS – Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk

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Exhibit A

2008 Updated Habitat Fees

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$6,165
Natural	\$ 12,329
Agriculture	\$ 12,329
Vernal Pool - uplands	\$ 35,143
Vernal Pool - wetted	\$ 71,125